

### **REMARKS**

This responds to the Office Action mailed on August 2, 2007.

Claims 1-11 are amended, no claims are canceled, and claims 12-15 are added; as a result, claims 1-15 are now pending in this application.

Claims 1-11 are amended to remove the reference numbering from the claims to more closely follow US claim drafting practice. These amendments are not made in response to any rejection and do not narrow the claims.

The Office Action required appropriate correction to the specification. However, applicant notes that such headings are not required under the patent statutes or the MPEP. Nonetheless, applicant adds headings to move the application examination forward.

### **Claim Objections**

Claims 2-6, 8, and 11 are objected to because of informalities. These claims are corrected herein. These amendments do not narrow the scope of the claim(s) and are not made in response to any rejection. Withdrawal of the objection is requested.

### **§112 Rejection of the Claims**

Claims 1, 3, 5-7, and 9-10 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness for use of the term “substantially”. The Office Action states that such a term is a relative term. The Office Action further states that the specification does not provide a standard for ascertaining the requisite degree of the term “substantially” and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant respectfully traverses. The specification gives examples of the term substantially in the specification, for example,

The range extends substantially into the past from the current time (substantially meaning sufficiently far into the past to contain for example at least a television program or a meaningful part of such a program, say at least one or more hours, days or weeks) and allows decryption of information that has been stored after distribution, so that the time stamps linked to the information do not substantially correspond to the current time (even allowing for transmission delays).

Accordingly, the term “substantially” is given a meaning in an example in the specification and one of skill in the art would be apprised of its meaning. Withdrawal of this rejection is requested.

§102 Rejection of the Claims

Claims 1-3 and 5-11 were rejected under 35 U.S.C. § 102(b) for anticipation by Candelore (U.S. 6,363,249). Applicant respectfully traverses.

Claim 1 recites, in part, “sending an entitlement management message to the secure device, . . . wherein the range has a starting point substantially prior to a time value of the time stamps distributed concurrent the entitlement message.” Applicant can not find these features in Candelore. As a result, independent claim 1 is not anticipated by Candelore.

Claim 7 recites, in part, “the information distribution device being arranged to send the entitlement message so that the range has a starting point substantially prior to a time value of the time stamps distributed concurrent with the entitlement message.” Applicant can not find these features in Candelore. As a result, independent claim 7 is not anticipated by Candelore.

Claim 9 recites, in part, “a management unit for selectively enabling decryption of the information units under control of the entitlement management messages, the management unit being arranged to implement one of the entitlement management messages that includes a specification of a range of time-stamp values linked to units of information, for which the secure device has to enable decryption, wherein the extending substantially prior to the current time count.” Applicant can not find these features in Candelore. As a result, independent claim 9 is not anticipated by Candelore.

Claim 10 recites, in part, “a transmitting unit for transmitting an entitlement management message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that range so that the range has a starting point substantially prior to a time value of the time stamps distributed concurrent with the entitlement message.” Applicant can not find these features in Candelore. As a result, independent claim 10 is not anticipated by Candelore.

The Office Action points to Candelore, col. 11, lines 1-15; col. 10, lines 55-67; col. 9, lines 49-67 for a teaching of wherein the range has a starting point substantially prior to a time

value of the time stamps distributed concurrent the entitlement message. However, none of these passages describes the features discussed above. Accordingly, all of claims 1-3 and 5-11 are allowable over Candelore.

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Interview Request

The undersigned requests an interview with the examiner if the claims are not allowed in the next action.

§103 Rejection of the Claims

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Candelore (U.S. 6,363,249) in view of Thexton (U.S. 6,772,435). Applicant respectfully traverses and asserts that claim 4 is allowable based at least on its dependency from allowable parent claim 1.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.


### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-349-9587 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 3 Dec '07  
(Monday)

By   
Timothy Clise  
Reg. No. 40,957

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of December 2007.

Peter R. B. Stai  
Name

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